

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
v.)	
)	Criminal No. 04-10336-NMG
JULIO SANTIAGO et al.)	
Defendants)	

**GOVERNMENT'S RESPONSE TO DEFENDANT JOSE TORRADO'S
MOTION TO MODIFY CONDITIONS OF RELEASE**

The United States Attorney, by and through the undersigned attorney, now responds to the renewed motion of Defendant Jose Torrado ("Torrado"), dated November 9, 2005, to modify the terms and conditions of his release to eliminate the condition that he wear an electronic monitoring device.

This is Torrado's second Motion to Modify the Conditions of his Release. On September 22, 2005, Torrado requested that the Court eliminate the condition that he wear an electronic monitoring device or, in the alternative, to extend the time in which he can be off the bracelet until 9:00 p.m. The government opposed that motion insofar as it proposed the elimination of electronic monitoring of the defendant. Instead, the government did not oppose the extension of time in which Torrado could be off the bracelet until 9:00 p.m., provided that the previously imposed conditions of his release remained in effect.

The defendant's motion should be denied for two reasons: (1) counsel did not confer with the undersigned prosecutor pursuant to Local Rule 7.1(A)(2) before filing this motion, and (2) more important, there has been no change in circumstance that would

justify removal of electronic monitoring of the defendant altogether - particularly at this stage in the court proceedings where the government recently submitted a detailed statement of the offense conduct to the Probation Department in anticipation of a pre-plea Pre-Sentence Report.¹

For the above-stated reasons, the government respectfully requests that this Court deny the defendant's second motion to modify the terms of his release.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

BY:

/s William F. Bloomer
WILLIAM F. BLOOMER
Assistant U.S. Attorney

Dated: November 15, 2005

¹In addition, the trial date for Torrado's codefendants has been scheduled for March 26, 2006, before the Honorable Nathaniel M. Gorton.